IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 1408 OF 1995

Office Notes, Office Memorandum of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Ms. Kavita Anchan i/b. M.V.
Kine & Co. for the Plaintiffs.
None for the Defendant.

CORAM : A.S. OKA, J.
DATE : 3rd SEPTEMBER 2007

P.C. :

. The learned Counsel appearing on behalf of the Plaintiffs states that Writ of Summons has been duly served to the Defendant. She has tendered on record an affidavit of service of writ of summons which is marked 'X' for identification. She states that appearance has not been entered by the Defendant after service of summons.

2. The affidavit of service shows that the summons was served in the year 1996.

3. In view of sub-rule 3 Rule 2 of Order 37 of Code of Civil Procedure, 1908, the allegations in the plaint shall be deemed to be admitted by the Defendants. Hence, the Plaintiff is entitled to a decree.

4. Accordingly, the suit is decreed as prayed.

5. The Plaintiff will be entitled to refund of Court fees, if any, as per rules.

6. Certified copy is expedited.

JUDGE